

VENTURINI & ASSOCIATES  
230 Park Avenue, Suite 545  
New York, NY 10169  
(212) 826-6800  
Attorneys for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KA HOLDINGS OF NEW YORK, LTD.  
a/k/a KA HOLDINGS LTD OF NY a/k/a  
KA HOLDINGS LTD.,

Case No. 07 Civ. 9675 (SCR) (LMS)

Plaintiff,

-against-

CHRISTOPHER CHAGARIS,

Defendant.  
-----X

**DECLARATION OF  
CHRISTOPHER CHAGARIS  
IN SUPPORT OF MOTION  
TO DISMISS THE  
AMENDED COMPLAINT**

CHRISTOPHER CHAGARIS hereby declares, subject to the penalties of perjury  
pursuant to 28 U.S.C. § 1746:

1. I am the defendant in the above-captioned action. I make this declaration in support of my motion for an order dismissing the Amended Complaint, pursuant to Fed. R. Civ. P. 12(b) or, in the alternative, transferring this action to the Western District of North Carolina, pursuant to 28 U.S.C. § 1404(a) and/or 1406(a).

2. I am a resident of Iredell County, North Carolina and am duly licensed to practice law in the State of North Carolina.

3. I have never been licensed to practice law in the State of New York and have never practiced law in New York or solicited business there.

4. In or about April 2002, K.A. Holdings Ltd. of New York ("KA LTD NY"), through its New York attorney, Charles Diven, Esq., retained me to confirm in North Carolina State Court an arbitration award dated February 27, 2002, issued by the American Arbitration

Association, in Westchester, New York (the “Arbitration Award”), and to recover damages pursuant thereto. I had no involvement in the arbitration and had not provided any legal services to any entity prior to April 2002 regarding the subject matter of the Arbitration Award. A true and correct copy of the Arbitration Award, as it was given to me by KA LTD NY, is annexed hereto as Exhibit 1.

5. True and correct copies of the written real property sales contract dated June 6, 2001 and the written escrow agreement dated October 31, 2001, both referenced in the Arbitration Award, are annexed hereto as Exhibits 2 and 3 respectively. I had no involvement in negotiating or drafting the aforementioned contracts or in the North Carolina real property transaction that is the subject of those contracts.

6. Pursuant to Charles Diven’s authorization and request, I filed an action in the Superior Court of North Carolina, County of Mecklenburg, entitled *KA Holdings Ltd. of New York v. Hawthorne Mill, L.L.C.*, Docket No. 02-CVS-16135 (the “First NC Action”). A true and correct copy of the order dated December 12, 2002 in the First NC Action is annexed hereto as Exhibit 4.

7. In July 2003, pursuant to Diven’s authorization and request, I filed a second action in the Superior Court of North Carolina, County of Mecklenburg, entitled *KA Holdings of New York, Inc. v. Overland Properties, Inc. and Hawthorne Mill, L.L.C.*, Docket No. 03-CVS-12766 (the “Second NC Action”). A true and correct copy of the Complaint in the Second NC Action is annexed hereto as Exhibit 5.

8. A true and correct copy of the order dated March 21, 2005 in the Second NC Action is annexed hereto as Exhibit 6.

9. A true and correct copy of the voluntary dismissal dated March 28, 2005 in the

Second NC Action is annexed hereto as Exhibit 7.

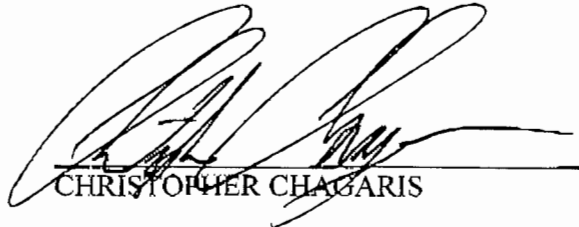
10. On or about June 6, 2006, pursuant to Diven's authorization and request, I filed a third action in the Superior Court of North Carolina, County of Mecklenburg, entitled *KA Holdings of New York, Inc. v. Overland Properties, Inc. and Hawthorne Mill, L.L.C.*, Docket No. 06-CVS-6006 (the "Third N.C. Action"). A true and correct copy of the Complaint in the Third NC Action is annexed hereto as Exhibit 8.

11. A true and correct copy of the order dated August 3, 2006 in the Third NC Action is annexed hereto as Exhibit 9.

12. A true and correct copy of the Amended Complaint served in the above-captioned action is annexed hereto as Exhibit 10.

**WHEREFORE**, I respectfully request that this Court grant my motion for an order, pursuant to Fed. R. Civ. P. 12(b), dismissing the Amended Complaint or, in the alternative, transferring this action to the Western District of North Carolina.

Dated: July 11, 2008



CHRISTOPHER CHAGARIS